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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ADELE SHIREY; and DESTINY
SHIREY,

Plaintiffs,

v.

COUNTY OF RIVERSIDE; MARTIN
HUIZAR; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 5:25-cv-01541-DMG-E

Hon. Dolly M. Gee

Hon. Mag. Judge Charles F. Eick

JOINT RULE 26(f) REPORT

Scheduling Conference:

Date: August 29, 2025

Time: 9:30 a.m.

Crtrm: 8C

**Complaint (with Demand for Jury
Trial) Filed:** June 20, 2025

Responsive Pleading Filed: July 10,
2025

Trial (Proposed): August 4, 2026

1 **TO THE HONORABLE COURT:**

2 Pursuant to Federal Rules of Civil Procedure Rule 26(f), Local Rule 16-1, and
3 the Court's July 11, 2025, Order setting the Scheduling Conference (Dkt. 14), the
4 early meeting of counsel has been conducted between counsel for Plaintiffs and
5 counsel for Defendants County of Riverside and Martin Huizar. The early meeting of
6 counsel took place via telephone on July 23, 2025, and was attended by Benjamin
7 Levine of the Law Offices of Dale K. Galipo, counsel for Plaintiffs, and Kayleigh
8 Andersen of Manning & Kass, counsel for Defendants.

9 The parties have discussed the nature and basis of their claims and defenses,
10 the potential for resolving the case, the timing of initial disclosures, and a proposed
11 discovery plan. The parties, through their counsel, respectfully submit the following
12 Joint Report.

13 **(a) Statement of the Case**

14 Plaintiffs' Summary: Plaintiffs allege that, on July 4, 2024, Plaintiff Adele
15 Shirey and her daughter, Plaintiff Destiny Shirey, were at their home with guests
16 when a neighbor submitted a noise complaint. Defendant Martin Huizar, a Riverside
17 County Sheriff's deputy, responded to Plaintiffs' home. Upon arriving, Defendant
18 Huizar rang the doorbell before stepping away from the porch. Around that time, as
19 one of Plaintiffs' guests was preparing to leave, the guest opened the front door, saw
20 Defendant Huizar standing away from the porch, and began to close the door as he
21 returned inside to summon Plaintiff Adele Shirey to address Defendant Huizar.
22 Before the guest had fully closed the door, however, Defendant Huizar ran to the
23 front door, forced it open, and stepped into the entry room inside Plaintiffs' home.
24 Defendant Huizar had no warrant of any kind.

25 Plaintiff Adele Shirey approached and repeatedly demanded that Defendant
26 Huizar exit her home and informed him that she would speak to him outside.
27 Defendant Huizar refused to leave, telling her, "*I own your home right now.*" When
28 Plaintiff Adele Shirey expressed incredulity at this statement, Defendant Huizar

1 grabbed her, slammed her against a wall, and proceeded to arrest her. Plaintiff Adele
2 Shirey was unarmed and had made no verbal or physical threats of any kind, and no
3 force against her was justified, nor was her warrantless detention and arrest inside
4 her home. In bringing Plaintiff Adele Shirey to a Sheriff's vehicle, Defendant Huizar
5 forced her to walk on a foot that had a preexisting injury, with a visible cast or brace
6 on it, over her objections, and denied her access to important prescribed medications.
7 While Plaintiff Adele Shirey was in a Sheriff's vehicle, having been arrested,
8 Defendant Huizar and additional Riverside County Sheriff's deputies re-entered
9 Plaintiffs' home, still with no warrant, where they detained and interrogated Plaintiff
10 Destiny Shirey and Plaintiffs' guests for an extended period, during which time
11 Defendant Huizar roamed around the inside of Plaintiffs' home. Based on this
12 incident, Defendant Huizar caused groundless criminal charges to be filed against
13 Plaintiff Adele Shirey, which were ultimately dismissed.

14 Plaintiffs bring causes of action under 42 U.S.C. § 1983 against Defendant
15 Huizar and the other individual Defendants, whose names are currently unknown to
16 Plaintiffs and who are identified in Plaintiffs' Complaint as Does, for unlawful entry,
17 unlawful detention and arrest, excessive force, denial of medical care, and malicious
18 prosecution. Plaintiffs also bring *Monell* claims against Defendant County of
19 Riverside for failure to train and ratification. Plaintiffs also bring causes of action
20 under state law against all Defendants for battery, negligence, and violation of the
21 Bane Act, Cal. Civ. Code § 52.1.

22 All named defendants have been served and have answered the operative
23 complaint.

24 Defendants' Summary:

25 On July 4, 2024, Riverside County Sheriff Deputy Huizar responded to a noise
26 complaint at the residence of Plaintiffs Adele Shirey and her daughter, Destiney
27 Shirey. Deputy Huizar approached the home and rang the doorbell. A minor male
28 opened the door, and then immediately closed the door. Deputy Huizar proceeded to

1 open the front door and stepped into Plaintiffs' home. Upon entering, two minors
2 began heading towards the back of the house.

3 Adele Shirey headed towards the front door and instructed Deputy Huizar to
4 get out of her house. Deputy Huizar stepped back, and instructed Adele Shirey not to
5 touch him. Adele Shirey continued to tell Deputy Huizar to get out of her house and
6 lunged towards him. Deputy Huizar immediately apprehended and attempted to
7 handcuff Adele Shirey. Adele Shirey resisted Deputy Huizar, until Deputy Huizar
8 handcuffed her. Deputy Huizar subsequently put Adele Shirey in the back of his
9 patrol unit.

10 Deputy Huizar and two other deputies headed towards the house to identify the
11 minors. In plain view, Deputy Huizar saw alcohol on the kitchen table and proceeded
12 to enter the home. Deputy Huizar took down the information of the four individuals,
13 including Destiney Shirey. Upon completion of the interviews with the minors, Deputy
14 Huizar returned to his patrol unit and informed Adele that she was under arrest. Adele
15 Shirey was booked under Penal Code 148(a)(1), and 272 PC.

16 **(b) Subject Matter Jurisdiction**

17 Plaintiffs have filed federal claims pursuant to 42 U.S.C. § 1983. Accordingly,
18 the parties do not dispute that this Court has jurisdiction over this matter pursuant to
19 28 U.S.C. § 1331 (federal question jurisdiction) and over Plaintiffs' claims under
20 state law pursuant to 28 U.S.C. § 1367, as those claims are so related to Plaintiffs'
21 federal claims that they form part of the same case or controversy.

22 **(c) Legal Issues**

- 23 1. Whether Defendant Huizar entered Plaintiffs' home lawfully, *i.e.*,
24 with a warrant or valid warrant exception;
- 25 2. Whether Defendant Huizar detained Plaintiff Adele Shirey without
26 reasonable suspicion;
- 27 3. Whether Defendant Huizar arrested Plaintiff Adele Shirey without
28 probable cause;

- 1 4. Whether Defendant Huizar used excessive force against Plaintiff
- 2 Adele Shirey;
- 3 5. Whether the Defendant Deputies denied timely medical care to
- 4 Plaintiff Adele Shirey;
- 5 6. Whether the Defendant Deputies detained Plaintiff Destiny Shirey
- 6 without reasonable suspicion;
- 7 7. Whether the scope and manner of the Defendant Deputies' detention
- 8 of Plaintiffs was reasonable;
- 9 8. Whether the Defendant Deputies caused the wrongful initiation of
- 10 criminal charges against Plaintiff Adele Shirey;
- 11 9. Whether the County of Riverside improperly failed to train its
- 12 deputies, and whether that failure to train was a moving force behind
- 13 the constitutional violation(s) alleged;
- 14 10. Whether one or more County of Riverside officials who possessed
- 15 final policymaking authority ratified the Defendant Deputies' actions
- 16 and the reasons for them;
- 17 11. Whether the Defendant Deputies were negligent toward Plaintiffs;
- 18 12. Whether the Defendant Deputies violated the Bane Act;
- 19 13. The nature and scope of Plaintiffs' damages; and
- 20 14. Whether Plaintiffs are entitled to punitive damages.

21 **(d) Parties, Evidence, etc.**

22 Parties: The parties are Plaintiffs Adele Shirey and Destiny Shirey, and
23 Defendants Martin Huizar, County of Riverside, and Does 1-10.

24 Witnesses: The percipient witnesses include Plaintiffs, County of Riverside
25 Sheriff's Department officials and personnel present at the scene of the incident, and
26 other civilian witnesses. Additional non-percipient witnesses may include expert
27 witnesses and witnesses on Plaintiffs' damages. Given that discovery has not yet
28 been completed, the parties have not yet identified all other witnesses.

1 Key Documents Plaintiffs May Use: The key documents will include County
2 of Riverside Sheriff's Department records regarding the incident, including but not
3 limited to, statements, reports, audio and/or video of the incident, and photographic
4 evidence, as well as additional video recordings. Additional documents may include
5 depositions of the parties and witnesses, and responses to written discovery.

6 Key Documents Defendants May Use: The key documents include Riverside
7 County Sheriff's Department records regarding the incident, including but not
8 limited to, statements, reports, audio and/or video of the incident, and photographic
9 and physical evidence. Additional documents include training records of the deputy
10 defendants and training materials from the Riverside County Sheriff's Department.
11 Additional documents may include depositions of the parties and witnesses, and
12 responses to written discovery.

13 **(e) Damages**

14 Plaintiffs claim general and special compensatory damages, according to proof
15 at trial under federal and state law for their individual damages for the unlawful
16 entry, their unlawful detention, Plaintiff Adele Shirey's unlawful arrest, and the pain
17 and suffering and other noneconomic damages suffered by Plaintiffs. Plaintiffs also
18 seek punitive and exemplary damages against the individual Defendant Deputies
19 only. Plaintiffs also seek attorney's fees pursuant to 42 U.S.C. § 1988 and under state
20 law, costs and interests incurred.

21 **(f) Insurance**

22 The County of Riverside is permissibly self-insured per California
23 Government Code § 990.

24 **(g) Motions**

25 a. *Procedural Motions*

26 There are no pending motions. Plaintiffs anticipate filing either a stipulation to
27 name the currently unidentified individual deputies who are alleged to have liability,
28 currently named in the Complaint as Does 1-10, once such identities become

1 available through initial discovery, or a motion to amend if a stipulation cannot be
2 reached. Plaintiffs are hopeful that such amendment may be accomplished through
3 stipulation. Aside from this, the parties do not anticipate bringing any motions to
4 amend the pleadings, add parties or claims or transfer venue. The parties expect to
5 file discovery motions as needed or to seek assistance from the Magistrate Judge via
6 informal discovery conference.

7 During the course of litigation of this action, Defendants may file the
8 following potential motions:

9 Discovery motions, potentially seeking monetary, evidence/issue, and/or
10 terminating sanctions;

11 Motion for Judgment on the Pleadings and/or Motion to Dismiss;

12 Motion for summary judgment and/or partial summary judgment;

13 Motion for bifurcation of trial on punitive damages issues;

14 Motions *in limine*, potentially including *Daubert* motions *in limine*; and

15 Other pretrial and/or post-trial motions as may be appropriate.

16 The parties further anticipate bringing motions *in limine* based on the claims
17 and damages remaining at trial.

18 **(h) Dispositive Motions**

19 The parties have discussed potential motions and propose a deadline of May
20 12, 2026, to file dispositive motions. This proposed date is also set forth in Exhibit A
21 attached hereto.

22 After a period of discovery, Plaintiffs may bring a motion for summary
23 judgment or adjudication on one or more claims. If such a motion is brought,
24 Plaintiffs will adhere to the Court's requirements for motions for summary judgment.

25 Defendants anticipate filing a motion for summary judgment, including on the
26 grounds of qualified immunity for the deputy defendant.

27 The parties agree and request that for any motion made pursuant to F.R.C.P.
28 56, the opposing party shall have two weeks to prepare and file their opposition

1 papers and that the moving party shall have two weeks to prepare and file their reply
2 papers.

3 **(i) Manual for Complex Litigation**

4 The parties agree that this is not a complex case and is therefore not subject to
5 the Manual for Complex Litigation.

6 **(j) Status of Discovery**

7 Pursuant to Federal Rules of Civil Procedure Rule 26(a)(1)(c), the parties
8 agree to exchange initial disclosures on or before August 6, 2025. As of the time of
9 the drafting of this report, written discovery requests have not yet been propounded
10 and deposition dates have not yet been set.

11 **(k) Discovery Plan**

12 The parties have discussed the anticipated discovery and propose a discovery
13 schedule set forth in “Exhibit A” attached hereto. This schedule was compiled based
14 upon the trial calendars of counsel and their evaluation of the parties’ discovery
15 needs.

16 Plaintiffs anticipate serving written discovery regarding County records
17 regarding the incident and taking the depositions of County of Riverside and
18 Riverside Sheriff’s Department personnel who were involved in the entry into
19 Plaintiffs’ home; the detention of Plaintiffs; and the use of force against, arrest of,
20 and initiation of criminal charges against Plaintiff Adele Shirey. Plaintiffs also plan
21 to retain experts who will opine on, and potentially testify to, issues of liability,
22 causation, and damages. Plaintiffs anticipate serving written interrogatories, requests
23 for admission, and requests for production of documents.

24 Defendants intend to propound written discovery regarding Plaintiffs’ medical
25 and mental health history, Plaintiffs’ criminal history, Plaintiffs’ requested damages
26 and his calculation of damages, and discovery related to witnesses that may have
27 knowledge regarding the incident at issue in the operative Complaint. Defendants
28 anticipate taking the depositions of the Plaintiffs, percipient witnesses, and expert

1 witnesses to the extent appropriate. There may be additional issues that arise in the
2 course of this litigation that defendants may also explore through discovery.

3 The parties may also take the depositions of any experts or witnesses identified
4 by the other.

5 The parties do not see any issues regarding electronically stored information
6 pursuant to Rule 26(f)(3)(C) in this case.

7 The parties do not anticipate any changes to the limitations on discovery
8 imposed by the Federal Rules at this time, except that Plaintiffs may seek a
9 stipulation or leave to depose more witnesses than the 10 allowed under the Federal
10 Rules, if Plaintiffs learn through discovery that there were more County of Riverside
11 personnel who were present during relevant events and may be material witnesses
12 than Plaintiffs would otherwise be able to depose.

13 **(l) Discovery Cut-off**

14 The parties propose a non-expert discovery cut-off of March 31, 2026, which
15 is also as set forth in Exhibit A hereto.

16 **(m) Expert Discovery**

17 The parties have discussed expert discovery and propose exchange dates of:
18 Initial Expert Disclosure on April 14, 2026; Rebuttal Expert Disclosure on April 28,
19 2026; and Expert Discovery Cut-off of May 5, 2026. The dates for Initial and
20 Rebuttal Expert Disclosure are also set forth in Exhibit A attached hereto.

21 The parties will simultaneously exchange their expert reports.

22 **(n) Settlement Conference / Alternative Dispute Resolution (ADR)**

23 a. *Prior Discussions*

24 The parties have not had substantive settlement discussions. The parties are
25 amenable to engaging in initial settlement discussions following a period of
26 discovery.

27 b. *ADR Selection*

28 The parties are agreeable to participating in ADR Procedure No. 2 (appearance

1 before neutral selected from Court's Mediation Panel). If mediation is unsuccessful,
2 the parties are also amenable to participating in a Settlement Conference before a
3 Magistrate Judge.

4 **(o) Trial**

5 a. *Proposed Trial Date*

6 The parties propose a trial start date of August 4, 2026. This date reflects the
7 anticipated scope of fact discovery; the need for expert discovery; the potential for
8 the filing, hearing, and resolution of dispositive motions filed by one or both parties;
9 and lead trial counsel's current trial calendars for 2026.

10 b. *Time Estimate*

11 The parties estimate the trial will take approximately five to seven court days.
12 This estimate reflects the anticipated need for testimony from the parties, percipient
13 witnesses, and one or more experts for each side.

14 c. *Jury or Court Trial*

15 The parties request a trial by jury.

16 d. *Magistrate Judge*

17 The parties do not consent to try the case before a magistrate judge.

18 **(p) Trial Counsel**

19 Dale K. Galipo will be lead trial counsel for Plaintiffs. Eugene P. Ramirez will
20 be lead trial counsel for Defendants.

21 **(q) Independent Expert or Master**

22 The parties agree that this case does not require an independent expert or
23 master.

24 **(r) Schedule Worksheet**

25 The required Schedule of Pretrial and Trial Dates Worksheet is attached hereto
26 as Exhibit A.

27 **(s) Other Issues**

28 The parties stipulate to electronic service of discovery.

1 The parties may seek entry of a stipulated protective order governing use of
2 sensitive materials produced in discovery in this action.

3
4 Respectfully submitted,

5 Dated: July 23, 2025

LAW OFFICES OF DALE K. GALIPO

6
7 By /s/ Benjamin S. Levine
8 Dale K. Galipo
9 Benjamin S. Levine¹
Attorneys for Plaintiffs

10
11 Dated: July 23, 2025

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

12
13 By /s/ Kayleigh Andersen
14 Eugene P. Ramirez
15 Kayleigh Andersen
Attorneys for Defendants

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27 ¹ Pursuant to Local Rule 5-4.3.4, as the filer of this document, I attest that all other signatories
28 listed, and on whose behalf the filing is submitted, concur in the filing's content and have
authorized the filing.

Judge Dolly M. Gee

SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET

Case No. 5:25-cv-01541-DMG-E Case Name: Adele Shirey et al. v. County of Riverside et al.

MATTER	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE	TIME
TRIAL <input type="checkbox"/> Court <input checked="" type="checkbox"/> Jury Duration Estimate: 5-7 days	Aug. 4, 2026 (Tuesday) ³	8:30 a.m.
FINAL PRETRIAL CONFERENCE ("FPTC") 4 wks before trial	July 7, 2026 (Tuesday)	2:00 p.m.

MATTER	TIME COMPUTATION	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE
Amended Pleadings and Addition of Parties Cut-Off (includes hearing of motions to amend)	90 days after scheduling conf	Dec. 27, 2025
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 14 wks before FPTC	Mar. 31, 2026
Motion Cut-Off (filing deadline)	at least 13 wks before FPTC	May 12, 2026
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	Apr. 14, 2026
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	Apr. 28, 2026
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	May 5, 2026
Settlement Conference Completion Date	at least 4 wks before FPTC	June 9, 2026
Motions in Limine Filing Deadline	at least 3 wks before FPTC	June 16, 2026
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	June 23, 2026
Other Dates: (e.g., class cert motion cut-off, early mediation, etc.)		N/A

EXHIBIT A

³Trials commence on Tuesdays. Final pretrial conferences are held on Tuesdays.